

ARTICLE 4

AMENDMENTS

SECTION 4-10

AMENDMENTS, ADOPTION, READOPTING OF THE COMPREHENSIVE PLAN

A. Amendments to Comprehensive Plan

The Board of Supervisors may periodically amend, supplement or change provisions to the Gila County Comprehensive Master Plan. Proposed changes may be initiated by Gila County Staff, the Planning and Zoning Commission, Gila County Supervisors or by petition and application of property owners.

1. Application Requirements

- a. An application for an amendment to the Comprehensive Master Plan shall be filed with the Community Development Division on forms provided.
- b. A complete application for amendment shall require a detailed description of the request and the specific grounds or reasons for the proposed amendment.
- c. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Board of Supervisors. None of such fees shall be refundable. Gila County Staff, the Planning and Zoning Commission, and Gila County Supervisor initiatives to amend the Comprehensive Master Plan shall not be required to pay the application fee.
- d. Applications for major amendments shall only be considered by the Board of Supervisors once in a calendar year.
- e. A complete application shall include a map showing the area to be amended in the Land Use Element and the surrounding land use designations.
- f. The applicant shall also include a written narrative addressing the positive aspects of the proposed changes and provide mitigation for adverse aspects.
- g. In the event that an application to amend the Comprehensive Master Plan, Land Use Element includes properties other than that owned by the applicant, before the application will be accepted for processing, the applicant shall file a petition in favor of the request signed by the real property owners, or their agent or attorneys which show a representation of at least 75% of the total number of property owners affected. Such petition shall bear the property owners' signatures, addresses, and legal description of their property.

2. Review

Amendments to the Comprehensive Master Plan shall require a dissemination of the proposals, opportunity to review and consider comments, and notice to various public offices.

- a. Prior to initiating the process to provide an amendment to the Comprehensive Master Plan, Gila County staff shall provide notice and seek input from the Board of Supervisors.

- i. Notice of Board of Supervisors discussion shall be published in the local newspaper with a brief description of the proposed amendment at least 10 days prior to the scheduled meeting.
 - ii. A public service announcement shall be distributed to the local radio station at least 10 days prior to the Board of Supervisors discussion.
 - b. Copies of the application and staff report shall be transmitted to all government offices in Gila County as well as the Central Arizona Association of Governments and the Arizona Department of Commerce.
 - c. Transmittals to the above recipients in items 1 and 2 above shall include instructions to allow written comments to be transmitted to the Commission and Board of Supervisors prior to the public hearing or attendance at the hearing to provide comments.
 - d. The Commission and the Board of Supervisors shall provide opportunity for those wanting to provide written or verbal comments to be heard and considered.
 - e. Notice of Public Hearings shall be in accordance with Section 11-806 of the Arizona Revised Statutes.
3. After the Board of Supervisors provides direction to Gila County staff, the proposed Comprehensive Master Plan amendment is processed in the following manner:
- a. The complete application to amend the Comprehensive Master Plan, Land Use Element, shall be submitted to the Community Development Director, and shall be reviewed and a report prepared to the Planning & Zoning Commission.
 - b. In compiling the report, the Community Development Director shall consult with, advise, and provide an opportunity for official comment by public officials and agencies, to include: the county, school districts, regional planning agency, public land management agencies, other appropriate governmental jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens generally to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the Comprehensive Master Plan.
 - c. The Planning and Zoning Commission shall hold at least one public hearing before making a recommendation to the Board of Supervisors regarding any amendment to the Comprehensive Master Plan. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by publication at least once in a newspaper of general circulation published or circulated in the municipality.
 - d. At least sixty (60) days before the Comprehensive Master Plan or a portion, element or major amendment of a Comprehensive Master Plan is adopted, the Community Development Division shall transmit the proposal to the Board of Supervisors, and submit a copy for review and further comment to:
 - i. Each municipality in Gila County.
 - ii. Each county that is contiguous to Gila County.
 - iii. The regional planning agency in Gila County.
 - iv. The Arizona Department of Commerce and any other State agency that is subsequently designated as the general planning agency for the State.

- v. The Arizona Department of Water Resources for review and comment on the water resources element, if a water resources element is required.
- vi. Any person or entity that requests in writing to receive a review copy of the proposal.

4. Decision

- a. At the completion of the sixty (60) day review process, the Board of Supervisors shall schedule at least one public hearing before adopting or readopting the Comprehensive Master Plan or any amendment to the Comprehensive Master Plan.
- b. Notice of the time and place of the public hearing, and availability of studies and related summaries, shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by publication at least once in newspapers of general circulation published or circulated in northern and southern Gila County.
- c. The adoption or readopting of the Comprehensive Master Plan or any amendment to such plan shall be by resolution of the Board of Supervisors.
- d. The adoption or readopting of, or a major amendment to, the Comprehensive Master Plan shall be approved by affirmative vote of at least two-thirds of the members of the Board of Supervisors. If a majority vote fails to approve a new Comprehensive Master Plan, then the current Comprehensive Master Plan remains in effect.
- e. A copy of the adopted Comprehensive Master Plan for Gila County shall be sent to the Arizona Department of Commerce and any other State agency that is subsequently designated as the general planning agency for the State.

SECTION 4-11

AMENDMENTS TO THE ZONING MAP AND/OR TEXT OF THE ZONING ORDINANCE

The Board of Supervisors may, from time to time, after receiving a report from the Planning and Zoning Commission, and after public hearings as prescribed herein, amend, supplement, or change the Zoning Map and/or the text of the ordinance regulations. Any such proposed change may be initiated by the Commission or by the application of property owners.

A. Application Requirements

- 1. Application for amendment shall be filed with the Community Development Division on forms provided and shall be accompanied by the appropriate non-refundable fees per the schedule of such charges as adopted by the Board of Supervisors.
- 2. An application to establish or change a zoning classification shall be initiated by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.
- 3. An application to change zoning ordinance regulations initiated by the Gila County Planning and Zoning Commission or Gila County staff shall not require the fee.

4. Upon submittal of a rezoning or specific plan application and prior to a public hearing, notification will be sent to adjacent landowners and other potentially affected citizens of the substance of the application.
5. The applicant is responsible for written contact of all property owners within the notification area and of affected neighborhood associations, and shall offer to hold a meeting, with a specified date, for review of the proposed request.
6. The applicant shall provide written proof of contact and offer of meeting to the Community Development Division at least thirty days prior to the date of the public hearing by the Commission. The request shall not be set for public hearing without such written proof.
7. A complete application form may require:
 - a. A detailed narrative justifying the application.
 - b. A legal description of the subject property.
 - c. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries.
 - d. A true statement revealing any restrictions of record that would affect the requested uses of the property and the applicable dates of expiration.
 - e. A preliminary site plan, depicting the proposed development or land use which is intended with the proposed amendment.
 - f. The Director shall determine requirements and may request other property information as he deems necessary to evaluate the proposed changes in land uses. Other information could include: title reports, records of survey, easements establishing and depicting rights of use, existing topographic maps and similar.

B. Review

1. The complete application to amend the zoning classification shall be submitted to the Community Development Director, shall be reviewed and a report prepared for the Planning and Zoning Commission.
2. Prior to publishing and posting a petitioned Zoning Map change the Commission may, on its own motion, delimit the extent and boundaries of such area so as to constitute a reasonable zone.
3. Should the Commission initiate a proposed zoning amendment at the request of a person or persons, notice of such proposed change shall not be processed until the required filing fee has been paid.
4. Prior to reporting to the Board, the Commission shall hold at least one public hearing, after giving at least fifteen (15) days notice by publication at least once in a newspaper of general circulation in northern and/or southern Gila County, by posting the area included in any proposed Zoning Map change and by providing notice to property owners according to state law requirements.

5. In the event an application is denied by the Commission and/or Board of Supervisors, the Commission shall reserve the right of refusal to consider a similar application within a year of the date of application.
6. Failure of the Commission to report to the Board within sixty (60) days after date of application shall be deemed to be approval.

C. Decision

1. Upon receipt of the Commission's recommendation, the Board shall hold at least one public hearing within a reasonable time, after first providing notice in the same manner as is required of the Commission, and may then take appropriate action.

D. Appeals

1. If twenty percent (20%) or more of the owners of property by area and number within the zoning area file a protest to such change, the change shall not be made except by $\frac{3}{4}$ affirmative vote of the Board of Supervisors.